

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FELIX ESPOSITO)	
and ACCESS WITH SUCCESS, INC.,)	
Plaintiffs)	CIVIL ACTION NO.: 05-10349WGY
)	
v.)	
)	
29 HANCOCK STREET LLC, and)	
ADAMS INN FACILITIES, INC.)	
Defendants)	
)	

**MEMORANDUM IN SUPPORT OF JOINT MOTION
FOR APPROVAL AND ENTRY OF CONSENT DECREE**

In support of their motion, the parties state they wish to conclude and settle the present case with entry of the accompanying Consent Decree. Many of the actions to be undertaken by the defendant in accordance with the Consent Decree are prospective and have not been completed. The purpose of requesting entry of the Consent Decree, as opposed to entering into a private settlement agreement, is to allow the Court to retain jurisdiction for enforcement purposes, if necessary. All parties have signed the Consent Decree.

In further support of their motion, the parties state that “[i]n *Local 93, Int’l Ass’n of Firefighters v. City of Cleveland*, 478 U.S. 501, 525, 92 L. Ed. 2d 405, 106 S. Ct. 3063 (1986), the Supreme Court ruled that a consent decree must (1) spring from and serve to resolve a dispute within the court’s subject matter jurisdiction; (2) come within the general scope of the case based on the pleadings; and (3) further the objectives of the law on which the claim is based.” *United States v. Davis*, 261 F.3d 1, 25 (1st Cir. 2001). The proposed Consent Decree meets all three criteria and therefore, should be entered by the Court.

Respectfully submitted,

PLAINTIFFS,

DEFENDANTS,

FELIX ESPOSITO, et al.,

29 HANCOCK STREET, LLC, et al.,

By their Attorneys,

By their attorneys,

/s/Nicholas S. Guerrero

Nicholas S. Guerrero, BBO#551475
Shaheen Guerrero & O'Leary, LLC
Jefferson Office Park
820A Turnpike Street
North Andover, MA 01845
(978) 689-0800

Dated: 10/6/05

/s/Michael R. Coppock

Michael R. Coppock, BBO#098840
Rubin and Rudman, LLP
50 Rowes Wharf
Boston, MA 02110
(617) 330-7000

Dated: 10/6/05

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for the defendant by mail pursuant to Fed. R. Civ. P. 5(a).

Dated: 10/6/05

/s/Nicholas S. Guerrero

Nicholas S. Guerrero